

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.2139 of 2017

Arising Out of PS.Case No. -96 Year- 2017 Thana -NAUBATPUR District- PATNA

Vinod Kumar, aged about 32 years, Son of Ramjivan Paswan, R/o Village-
Painapur, P.S.- Naubatpur, District- Patna.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

Appearance :

For the Appellant/s : Mr. Chandra Shekhar Prasad, Advocate

For the Respondent/s : Smt. Usha Kumari No.1, SPP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 28-06-2018

Heard learned counsel for the parties.

This is an appeal under Section 14A (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, (hereinafter referred to as the "S.C./S.T. Act") against the refusal of prayer for anticipatory bail vide order dated 23.06.2017 passed in A.B.P. No.1846 of 2017, by learned Special Judge, S.C./S.T. Act, Patna, in connection with Naubatpur P.S. Case No.96 of 2017, registered under Sections 420, 406, 467, 468 of the Indian Penal Code and Section 3(1) (V) of the S.C./S.T. Act.

In the background of non-performance of agreement of sale between the parties, allegation is that the appellant attempted to ravish the informant.

Submission is that the F.I.R. suffers from mala fide



prosecution which is just to pressurize in the matter of transfer of immovable property without payment of consideration money. The appellant also belongs to the same category to which the informant belongs.

Considering the substance in the aforesaid submission, let the appellant, above named, in the event of his arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.20,000/- (rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending in connection with the aforesaid case, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as condition that the appellant shall fully cooperate with the investigation and trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the appellant.

Accordingly, the impugned order is set aside and this appeal stands allowed.

(Birendra Kumar, J)

Abhishek/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

